

Message Text

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ACTION L-02

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TO SECSTATE WASHDC 2192

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E.O. 11542: N/A

TAGS: PORG, IMCO

SUBJ: IMCO LEGAL COMMITTEE

1. IMCO LEGAL COMMITTEE HELD EXTENDED EXCHANGE OF VIEWS AT AFTERNOON SESSION 19 JUNE CONCERNING PROBLEMS ARISING WITH ENTRY INTO FORCE OF THE 1969 CIVIL LIABILITY CONVENTION. DISCUSSION CENTERED ON INTERPRETATION OF ARTICLE 7, PARA. 11.

2. WITH REGARD TO VESSELS REGISTERED IN NON-CONTRACTING STATES, SEVERAL DELEGATIONS (SWEDEN, NORWAY, UK) STATED THAT THEIR INTERPRETATION OF PARA 11 WOULD NOT ALLOW THEM TO ACCEPT CERTIFICATES OF FINANCIAL RESPONSIBILITY ISSUED BY OTHER CONTRACTING STATES. WHILE THEY EXPRESSED TO A VARYING DEGREE, A WILLINGNESS TO BE FLEXIBLE DURING THE INITIAL PERIOD, THEIR NATIONAL LEGISLATION REQUIRES THESE VESSELS TO HAVE CERTIFICATES APPROVED BY THEIR ADMINISTRATIONS WHEN ENTERING PORT.

3. OTHER DELEGATIONS STATED THAT THEIR INTERPRETATION OF PARA 11 EITHER REQUIRED (FRG) OR ALLOWED (FRANCE) THEM, WITH RESPECT TO VESSELS REGISTERED IN NON-CONTRACTING STATES, TO ACCEPT CERTIFICATES ISSUED BY ANY CONTRACTING STATE.

4. MANY NON-CONTRACTING STATE DELEGATIONS AND OBSERVERS

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FROM INTERESTED ORGANIZATIONS REQUESTED CONTRACTING

STATES TO BE FLEXIBLE, WHILE OTHER STATES SEEK RATIFICATION AND IMPLEMENTATION OF THE CONVENTION DURING THE INITIAL PERIOD. THEY WERE JOINED IN THIS REQUEST BY SECRETARY GENERAL SRIVASTAVA WHO ALSO OFFERED TO CIRCULATE TO ALL IMCO MEMBERS, THE SUBSTANCE OF THE EXCHANGE OF VIEWS.

5. EARLIER IN THE WEEK, IN REVIEWING THE 1957 LIMITATION CONVENTION, THE PROPONENTS OF THE DRAFT ALL-INCLUSIVE UNBREAKABLE CONVENTION SUFFERED FIRST SETBACK WHEN LEGAL COMMITTEE VOTED TO REMOVE ALL REFERENCE TO PILOTS FROM ARTICLE 1, PARA. 4. ALSO, DUE TO EXTENDED DISCUSSIONS OVER MORE MINOR PROVISIONS, THE MAJOR PROVISIONS IN ARTICLES 4 AND 6 WILL NOT BE TAKEN UP UNTIL NOVEMBER-DECEMBER MEETING. UK SDR PROPOSAL IS EXPECTED TO BE INTRODUCED TODAY BUT LACK OF TIME WILL PREVENT ANY MEANINGFUL DISCUSSIONS.

RICHARDSON

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